

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Shaine Amos Francis

Case No. 1:21-mj-30535

Judge: Morris, Patricia T.

Filed: 11-10-2021

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 1, 2020 to August 31, 2020 in the county of Isabella in the Eastern District of Michigan, the defendant(s) violated:

*Code Section**Offense Description*

18 U.S.C. § 1151
18 U.S.C. § 1153
18 U.S.C. § 2244(a)(3)

Defendant, an Indian, within Indian country, knowingly engaged in sex contact, to wit: he intentionally touched A.H.'s genitalia, buttocks, and anus, directly or through the clothing, with the intent to arouse or gratify the sexual desire of any person and also at the time, A.H. had attained the age of 12 year but had not attained the age of 16 years and defendant was at least four year older than A.H.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

*Complainant's signature*Phil Mata, BIA*Printed name and title*

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: November 10, 2021

City and state: Bay City, Michigan

*Judge's signature*Patricia Morris, United States Magistrate Judge*Printed name and title*

AFFIDAVIT

I, Phil Mata, being duly sworn, do hereby state as follows:

1. I am an officer with the Bureau of Indian Affairs (BIA). I am also a detective with the Saginaw Chippewa Tribal Police Department and have been so employed for 17 years. I work a variety of criminal matters including the investigation of violent crimes and sexual assaults. During the course of my career, I have conducted and participated in numerous sexual assault investigations.

2. This Affidavit is being submitted for the purpose of obtaining a criminal complaint and arrest warrant for Shaine Amos Francis for in violation of 18 U.S.C. § 2244(a)(3), abusive sexual contact.

3. The information set forth in this affidavit was obtained through personal observation, statements of witness, information supplied by other law enforcement officers and through other investigative activity.

Probable Cause

4. A.H. reported that when she was 14 years old in July or August of 2020 she had a sexual relationship with Shaine Amos Francis, an Indian, who was 21 years old at the time. A.H. reported during a forensic interview that:

- a. that Francis penetrated her anally with his penis on two different occasions;

b. that Francis licked her vagina while they were watching a movie;

and

c. that Francis had A.H. put her mouth on his penis

5. A.H. said all of this activity happened at or near 8462 East Broadway in Mount Pleasant, Michigan. Affiant knows 8462 East Broadway, Mount Pleasant, Michigan to be on the Isabella Reservation in Indian country.

6. These assault all took place in July and August of 2020.


7. A.H. said that Francis knew how old she was because she told him her age.

8. Additionally, Francis admitted to the police that he knew A.H. was too young to engage in sexual behavior.

9. Affiant is aware of Facebook messages from Francis to A.H. in which Francis acknowledged that Francis and A.H. engaged in anal sex. In one Facebook message, Francis asked A.H. why A.H.'s parents had taken her to get a pregnancy test. Also in a Facebook message to A.H., Francis said "we had anal and u can't get pregnant from doing anal."


Conclusion

Based upon the above information, I respectfully submit that there is probable cause to believe that Shaine Amos Francis committed the offense of 18 U.S.C. § 2244(a)(3), abusive sexual contact with A.H.



Phil Mata
Officer, Bureau of Indian Affairs

Sworn to before me and signed in my presence and/or by reliable electronic means
this 10th day of November, 2021.



Patricia T. Morris
United States Magistrate Judge